

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Robert Eugene Nicholls
Ann McGalliard Nicholls
Debtors

Case: 09-37219
DOT now KLP

MOTION TO REOPEN CHAPTER 13 CASE

1. The debtors Robert Eugene Nicholls and Ann McGalliard Nicholls by their counsel hereby move this Court to allow them to reopen their closed Chapter 13 Bankruptcy case; for their reasons and facts stated below.
2. Reopening of cases is allowed and ruled by FRBP Rule 5010.
3. The debtors filed their chapter 13 case on November 2, 2009.
4. The debtors made all the payments required by the plan (see trustee final report filed February 13, 2013; item 35 on the court's docket) and item 33 Trustee's report of completion of plan payments.

COUNT ONE

5. The debtors failed to file the Certificate of Compliance of Domestic Support Obligation Form 1328.
6. The debtors did file the certificate of compliance with payment of their Domestic Support Obligation pursuant to Section 1325 on March 22, 2010.
7. The debtors Robert Nicholls and Ann Nicholls were born July 22, 1935 and July 3, 1942. They were 78 and 71 respectively. Ms Nicholls was seriously ill in the

critical time period to create and file the 1328 Certification.

8. In December 2012 and January 2013 Ms Nichols was ill and the debtors may have not understood the need to certify the obvious: They are far beyond the age where they would have children and the need to meet a Domestic Support Obligation. They had previously certified to the court that their obligation was met See Certification March 22, 2010 item 13 on the courts docket.

COUNT TWO

9. The debtors desire to refinance their home. The failure to receive a discharge is confusing to the underwriting agent at the mortgage broker they have chosen.

COUNT THREE

10. Discover Bank has agreed to file a release of an expired Judgment lien on the debtor's real estate. Discover filed an action resulting in a Judgment lien in the Chesterfield General District Court March 23, 2004. Counsel can find no motion or filing in the Chesterfield Circuit Court extending the Judicial lien beyond March 23, 2014. In spite of agreeing to file a release they failed to do so as of the date of this filing, accordingly the debtors may need to file a motion to avoid a judicial lien (that may have expired).

Wherefore the Debtors pray that this allow them to reopen their case and to accomplish the goals stated herein.

January 19, 2015

/S/ Charles H Krumbein
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Certification of Service

The undersigned hereby certifies that all parties in case number 09-37219 have been served a copy of this motion by either CM/ECF or US Mail.

/S/ Charles H Krumbein
Charles H Krumbein, Esq.

